

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

MEMO ENDORSED

PRINCETON DIGITAL IMAGE
CORPORATION,

Plaintiff,

v.

HEWLETT-PACKARD COMPANY, ET AL.

Defendants.

Case No. 12-cv-00779-RJS

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 12-23-13

PRINCETON DIGITAL IMAGE
CORPORATION,

Plaintiff,

v.

FACEBOOK, INC., ET AL.

Defendants.

Case No. 12-cv-06973-RJS

**DECLARATION OF SEAN T. O'KELLY IN SUPPORT OF THE CONSENT ORDER
GRANTING SUBSTITUTION OF ATTORNEYS AND WITHDRAWAL OF
DUANE MORRIS LLP AND ITS INDIVIDUAL ATTORNEYS**

I, Sean T. O'Kelly, an attorney duly admitted to practice law in the State of Delaware, do hereby declare as follows:

1. I am an attorney duly licensed to practice before the Courts of the State of Delaware and before this Court *pro hac vice* and am partner with the firm of O'Kelly Ernst & Bielli, LLC, counsel for Plaintiff herein.

2. I have been asked by Plaintiff Princeton Digital Image Corporation ("PDIC") to represent it in these actions.

3. The reason for the substitution, and for the withdrawal of Duane Morris LLP, is the mutual agreement of PDIC and Duane Morris LLP.

4. Duane Morris LLP consents to this substitution and will not be asserting a retaining or charging lien.

5. As to the posture of the *Hewlett-Packard* Action, the claim-construction hearing concluded on November 7, 2013. The Court has scheduled a post-discovery conference for January 10, 2014. (HP D.I. 296 at 6.) That conference would serve as a pre-trial conference only if neither party were then to contemplate a motion. (*Id.*) In the *Hewlett-Packard* Action, there is no date set for trial.

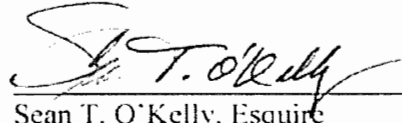
6. In the *Facebook* Action, the Court's scheduling order requires the parties to submit a Joint Preliminary Trial Report no later than July 24, 2015. (FB D.I. 225 at 5.) The date set for trial in the Facebook Action is October 5, 2015. (*Id.* at 6.).

7. For the foregoing reasons, I respectfully request that the Court grant the relief requested in the Consent Order Granting Substitution of Attorneys and Withdrawal of Duane Morris LLP and Its Individual Attorneys.

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I declare under penalty of perjury that the foregoing is true and correct.

Dated: Wilmington, Delaware
November 8, 2013



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IT IS HEREBY ORDERED THAT
counsel for Defendants in PDIC v. HP,
12 Civ. 779, and PDIC v. Facebook,
12 Civ. 6973, shall advise the Court
no later than December 27, 2013 whether they have
any objection to this application for
substitution of counsel, especially in
light of the procedural posture of these
actions.

*Counsel for Princeton Digital Image
Corporation*

SO ORDERED

Date:



12/20/13

RICHARD J. SULLIVAN
U.S.D.J.